

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

Board of Trustees, National Stabilization)
Agreement of the Sheet Metal Industry)
Trust Fund, et al.,)
)
Plaintiffs,)
)
v.)
)
York HVAC Systems Corp.,)
)
Defendant.)

1:10cv178 (JCC/TCB)

ORDER

Upon consideration of the July 6, 2010, Report and Recommendation of the United States Magistrate Judge designated to conduct a hearing in this matter, no objection having been filed within ten days, and upon an independent review of the record, it is accordingly

ORDERED that the court adopts as its own the findings of fact and accepts the recommendation of the United States Magistrate Judge. The Clerk of Court shall enter default judgment in favor of the Plaintiffs National Stabilization Agreement of the Sheet Metal Industry Trust Fund, Sheet Metal Workers' National Pension Fund, the International Training Institute for the Sheet Metal and Air Conditioning Industry, the Sheet Metal Occupational Health Institute Trust Fund, and the National Energy Management Institute Committee, collectively, and against defendant York HVAC Systems Corp., in the amount of \$62,041.37: \$46,816.92 in unpaid contributions; \$2,730.29 in accrued interest through April 20, 2010; \$9,332.19 in liquidated damages; and \$3,161.97 in reasonable attorneys' fees and costs.

It is further ORDERED


that defendant, its officers, agents, servants, employees, attorneys, and all persons acting

on their behalf or in conjunction with them be restrained and enjoined from failing to (1) submit to an audit of its wage, payroll and personnel records for all periods for which defendant is obligated to contribute to the Funds , within twenty (20) days of the date of this Order and (2) file complete, proper and timely remittance reports with accompanying contributions for all periods for which the defendant is obligated to do so under its current and future collective bargaining agreements.

If further action is required to enforce and collect this judgment, plaintiffs may apply to this Court or to the court in which enforcement is sought for further reasonable attorneys' fees and costs in addition to those set out in the Report and Recommendation.



/s/
James C. Cacheris
United States District Judge

Alexandria, Virginia
August  2, 2010